



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
Office of the Clerk*

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Name: GUTIERREZ SOTO, EMILIO  
Riders [REDACTED]

A [REDACTED]

Date of this notice: 12/22/2017

Enclosed is a copy of the Board's interim decision in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Guendelsberger,  
John

TranC  
User team: Docket

Falls Church, Virginia 22041

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Files: [REDACTED] El Paso, TX

Date: DEC 22 2017

In re: Emilio GUTIERREZ SOTO  
Oscar GUTIERREZ SOTO

**IN REMOVAL PROCEEDINGS**

**MOTION**

ON BEHALF OF RESPONDENTS: Eduardo Beckett, Esquire

APPLICATION: Reinstatement of Proceedings

**INTERIM ORDER**

The respondents have filed a timely motion requesting the Board reconsider our order of November 2, 2017, in which we determined their appeal was untimely filed. The record does not contain an opposition from the Department of Homeland Security. Upon consideration of the arguments and evidence presented with the motion, we agree that reinstatement of the respondents' appeal is warranted in the interest of fairness.

Accordingly, the Board's previous order will be vacated, the appeal will be reinstated, and a decision on the merits of the appeal will be forthcoming.

INTERIM ORDER: The Board's order dated November 2, 2017, is hereby vacated.

INTERIM ORDER: The appeal is reinstated.

FURTHER INTERIM ORDER: A briefing schedule shall be set to afford the parties an opportunity to file a brief.

  
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FOR THE BOARD